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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,390	06/15/2005	Martinus Wilhelmus Blum	NL 021317	4689

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

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BRIARCLIFF MANOR, NY 10510

EXAMINER

EDUN, MOHAMMAD N

ART UNIT

PAPER NUMBER

2627

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/539,390

Applicant(s)

BLUM, MARTINUS WILHELMUS

Examiner

MUHAMMAD N. EDUN

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10 and 12 is/are allowed.
- 6) ☒ Claim(s) 11 and 13-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

Claims 11 and 13-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 11 and 13-18 are deemed improper and indefinite. For example claim 11 is improper because it is directed to an optical disc and depends on claim 1 that is directed to a method, and therefor claim 11 does not further limit the method of claim 1. Similarly, claim 13-15 are directed to a method, that depends on claims 9 which is directed to an optical disc, and therefore improper because they do not limit the optical disk of claim 9. Further, claims 16-18 are directed to a disc drive apparatus that depends on claim 1 which is directed to a method, and again does not further limit the method of claim 1.

The claims are also indefinite because it is not clear as to what are being claimed. Since the dependent claims (claims 11 and 13-18) seem to cross statutory boundaries, from method to product, or method to apparatus etc., it is totally confusing as to what is being claimed. It seems that the claims would be clearer if rewritten in independent form.

The optical disk of claims 11, method of claims 13-15 and apparatus of claims 16-18 could be infringed without infringing upon the respective base claims (claim 1 directed to a method and claim 9 directed to an optical disc). For example possession of a system/drive including instructions to perform a method that infringes on the claimed system/drive does not necessarily mean that the actual method has been performed and therefore the method of the base claim is not necessarily infringed. Hence, claims 11 and 13-15 are improper dependent claims as failing the Infringement test outlined in **MPEP 608.01(n) II. TREATMENT OF IMPROPER DEPENDENT CLAIMS, III. INFRINGEMENT TEST.**

Allowable Subject Matter

Claims 1-10 and 12 are allowed over the prior art of record.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art or record alone or in combination does not teach or suggest the method for storing information on an optical disk having the combination of steps with their recited process, along with consecutively writing the RIF, writing the ECC block after the RIF, and writing the ROF after the ECC block, characterized by coding a second predetermined amount of data into a second ECC block according to said

predefined format, and writing the second ECC block adjacent the first ECC block, as set forth in claims 1-8.

Further the prior art of record does not teach the optical disc having the specific structure as recited, along with having at least one sequence consisting of the RIF, a plurality of ECC blocks adjacent each other, and the first following ROF, as set forth in claims 9, 10 and 12.

Conclusion

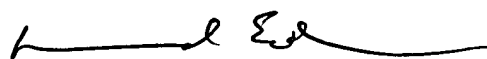
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Heemskerk et al. (6,628,584), Carbonaro et al. (6,336,157) and Tomita (US 2004/0030983), all disclose an optical disk apparatus having an optical disk including ecc blocks.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MUHAMMAD N. EDUN whose telephone number is 571-272-7617. The examiner can normally be reached on FLEXITIME.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen can be reached on 571-272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



MUHAMMAD N EDUN
Primary Examiner
Art Unit 2627